

ORDINANCE NO. 3126

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE, BY AMENDING SECTION 22.94.050F.7
RELATING TO MAXIMUM DENSITY ON 2006 ASSESSOR
PARCEL NUMBERS 033-321-009, 008 AND 033-061-012

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.94.050F.7 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

7. **Southwest Corner of Neal Spring Road and Hollyhock Lane.** The following standards apply to all of the those parcels shown in Figure 94-20.

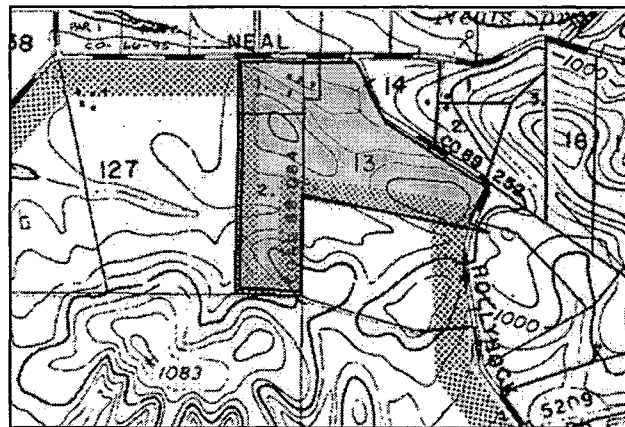


Figure 94-20: RR - Southwest corner of Neal Spring Road and Hollyhock Lane

- a. **Density limitation.** Residential density shall be limited to a maximum of one primary dwelling, except that a secondary dwelling is allowable if it was legally established before June 14, 2007.
- b. **Subdivision and development requirements.** Prior to approval of a tentative parcel map, the applicant for a subdivision shall designate building sites and parcel access roads that demonstrate how the following requirements can be met with approval of the map: The parcel layout shall, to the extent feasible, provide (1) residential building sites situated below ridges and hilltops such that allowed residential and accessory development will reduce silhouetting against the sky as seen from public roads, (2) road access with minimal visibility from public roads, (3) alternate residential setbacks from the interior and public roads, and (4) plant a minimum of six trees per lot clustered within the setback, to provide a generous landscape setting and significant screening so as to minimize their presence along this portion of the street. Any proposals should retain the intent of minimizing urban or suburban or rural residential character.

c. Prior to submitting subdivision improvement plans and recording a subdivision map, the applicant shall include the following requirements on an additional map sheet and include relevant information on the subdivision improvement plans as applicable:

- (1) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans, such that the appearance of buildings will be minimized from Neal Spring Road and Hollyhock Lane, and will reduce silhouetting against the sky as seen from public roads. New development on no less than half or two of the proposed or existing parcels (whichever is more) shall not exceed 20 feet and one story in height above the existing ground surface.
- (2) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall clearly delineate the vertical height of all cut and fill slopes on the project plans and the border of cut slopes and fills rounded off to a minimum radius of five feet. No cut or fill area that will be visible from Neal Spring Road or Hollyhock Lane shall exceed five feet in vertical height above or below the existing ground surface. For any visible cuts from Neal Spring Road or Hollyhock Lane, sufficient topsoil shall be stockpiled and reapplied or re-keyed over these visible cut areas to provide at least 8" of topsoil for the reestablishment of vegetation. As soon as the grading work has been completed, the cut and fill slopes shall be reestablished with non-invasive, fast-growing vegetation.
- (3) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s), detached residential accessory and other out-buildings. All such structures shall be located in the least visually prominent location feasible when viewed from Neal Spring Road or Hollyhock Lane. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the structures cannot be fully screened with existing elements, then they shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.

- (4) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County).
- (5) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Chapter 22.16 of the San Luis Obispo County Land Use Ordinance and shall provide at least six screening trees and other vegetation that will adequately blend the new development, including residences, driveways, access roads, outbuildings, water tanks, etc., into the surrounding environment when viewed from Neal Spring Road.
- (6) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall demonstrate that retaining walls, sound walls, and understories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Neal Spring Road or Hollyhock Lane. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.
- (7) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall demonstrate that the access road from Neal Spring Road or Hollyhock Lane to any subdivision shall be located and designed to avoid, or if not feasible, to minimize grading and tree impacts, and to minimize traffic and noise impacts to adjacent property, while still satisfying sight distance requirements.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 15th day of May, 2007, by the following roll call vote, to wit:

AYES: Supervisors Harry L. Ovitt, K.H. 'Katcho' Achadjian, Chairperson Jerry Lenthall

NOES: Supervisors Bruce S. Gibson, James R. Patterson

ABSENT: None

ABSTAINING: None

JERRY LENTHALL

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

By: **C.M. CHRISTENSEN** Deputy Clerk
[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____